

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,
KALAGHATAGI**

PRESENT

**SRI. RAVINDRA L.HONOLE, B.A., LL.B. (Spl)
SENIOR CIVIL JUDGE & JMFC, KALAGHATAGI**

DATED THIS 16th DAY OF JUNE 2026
G & W.C.No.22/2026

PETITIONERS:

1. Smt. Akkamma W/o Yallappa Jammihal,
Age: 38 years, Occ: Household work,
R/o Mutagi, Tq: Kalaghatagi,
Dist: Dharwad.
2. Sanvi D/o Yallappa Jammihal,
Age: 06 years, Occ: student,
R/o: Muttagi,
Tq: Kalaghatagi, Dist: Dharwad

(Petitioner No.2 is minor represented by her
natural mother petitioner No.1)

(Sri. V.R.Ganiger, Adv)

Vs

RESPONDENT:

--Nil--

ORDER

Petitioners have filed the present petition U/s 7 R/w
Sec.10 of Guardian and Wards Act praying for appointing
petitioner No.1 as guardian for the minor petitioner No.2 and

also for grant of permission to sell the petition schedule property.

2. Case of the petitioners in brief is as under.

The petitioner No.1 is the mother and petitioner No.2 is the daughter. The petitioner No.2 is minor and she is under care and custody of petitioner No.1. The husband of petitioner No.1 and father of petitioner No.2 by name Yallappa S/o Mallapa Jammihal died on 29.09.2024. The deceased Yallappa S/o Mallapa Jammihal inherited property bearing R.S.No.98/5 measuring 35 guntas situated at Muttagi village, taluk Kalaghatagi which is described in petition schedule property. After his death of Yallappa name of petitioners has been entered in the revenue records by varasa. It is submitted that the petitioners have no source of income to maintain. Petitioner No.2 is minor and for the expenses of school, medical etc., the petitioners are in need of money. Therefore, they intended to sell 5 guntas of land in petition schedule property for their necessity. Since petitioner No.2 is minor, the petitioner No.1 could not sell the property without permission of the court. It is submitted that they are ready to abide the condition imposed by the court. Hence, prays for

appointing petitioner No.1 as guardian of minor petitioner No.2 and permit the petitioner No.1 to sell the petition schedule property.

3. After registering the petition, notice was issued to the interested persons to appear and contest the matter through paper publication in Udayavani Kannada daily newspaper published on 21.02.2026. After paper publication, nobody has appeared before this Court and filed any objections.

4. The petitioner No.1 stepped into witness box and got examined as PW.1 and got marked documents as Ex.P.1 to 5.

5. Heard the arguments.

6. The points arise for my consideration are:

1. Whether the petitioner No.1 is competent person to be appointed as a guardian for the minor petitioner No.2 ?

2. Whether the petitioner No.1 has made out sufficient grounds to permit her to sell the petition schedule property for the benefit of the minor petitioner No.2 ?

3. What order?

7. My findings on the above points are:

POINT No. 1 : In the Affirmative

POINT No. 2 : In the Affirmative

POINT No. 3 : As per the final order
for the following:

REASONS

8. **POINTS No.1 & 2:** It is the case of the petitioners that, petitioner No.1 is the mother and petitioner No.2 is the minor daughter. Petitioner No.2 is under care and custody of petitioner No.1. The petition schedule property was belongs to husband of petitioner No.1 and father of petitioner No.2 by name Yallappa S/o Mallapa Jammihal who died on 29.09.2024. Now the name of petitioners were jointly appearing in the revenue records. It is submitted that petitioners have no source of income to maintain. Petitioner No.2 is minor and for her education and medical expenses they are in need of money. Therefore, petitioners intended to sell 5 guntas of land in respect of their portion of share in petition schedule property. Therefore, prays for allowing the petition.

9. The petitioner No.1 stepped into witness box and got examined as PW-1. In her evidence affidavit filed in the form of examination-in-chief reiterated the contents of petition averments. In support of their case got marked Ex.P-1 to 5. Ex.P-1 is the RTC of R.S.No.98*/5 measuring 35 guntas of Muttagai village. Name of petitioners were jointly appearing

along with others. Ex.P.2 is the study certificate of petitioner No.2 shows that she was born on 08.05.2019. Ex.P.3 is the Adhar card copy of Ramappa Jammihal. Ex.P.4 is the Adhar card copy of petitioner No.2. Ex.P.5 is the Adhar card copy of petitioner No.1.

10. The documents produced by the petitioners establishes that originally petition schedule property belongs to the husband of petitioner No.1 and father of petitioner No.2 by name Yallappa S/o Mallapa Jammihal and others. After death of Yallappa name of petitioners has been entered as legal heirs by virtue of varasa. Now the petitioners intends to sell their portion of 5 guntas of property in petition schedule property. The petitioners intends to sell the petition schedule property for their livelihood, discharge debt and to bear the education and medical expenses of petitioner No.2. Since right and interest of minor petitioner No.2 is involved in the property the petitioner No.1 cannot execute the sale deed in respect of the petition property without permission of the Court. As discussed above, in my opinion, to sell the petition property and to utilize the amount for maintenance and medical expenses of petitioners and the welfare and

education of the minor petitioner No.2 is necessary. The petitioner No.2 is minor who is under care and custody of petitioner No.1, there is no any conflicting interest between the petitioner No.1 and the minor petitioner No.2. Therefore, I am of the opinion that the petitioner No.1 is the competent and proper person to be appointed as a guardian for the minor petitioner No.2 and she has made out sufficient grounds for permitting her to sell the petition schedule property for the benefit and welfare of the minor petitioner No.2 . Hence, I answer Points No.1 and 2 in the Affirmative.

11. **POINT No.3:** As discussed above, court proceed to pass the following:

ORDER

The petition filed by the petitioners U/s 7 and 10 of Indian Guardian and Wards Act is hereby allowed.

Petitioner No.1 Smt. Akkamma w/o Yallappa Jammihal is hereby appointed as a guardian for the minor petitioner No.2 by name Sanvi D/o Yallappa Jammihal.

The petitioner No.1 is hereby authorized to sell the petition schedule property land bearing Sy. No.98/5 measuring 35 guntas out of it 5 guntas of land situated at Muttagai village, taluk Kalaghatagi. and to do any needful act for the

benefit and in the better interest of the minor petitioner No.2.

The sale amount shall be utilized for the benefit and welfare of the minor petitioner No.2.

Issue necessary Guardianship Certificate after collecting necessary court fee.

(Dictated to stenographer directly on computer, computerized by him, then corrected and pronounced by me in open court on this **16th day of June, 2026**)

(R.L.HONOLE)
SR.CIVIL JUDGE & JMFC,
KALAGHATAGI

ANNEXURE

WITNESSES EXAMINED FOR PETITIONER:

P.W.1 : Smt. Akkamma w/o Yallappa Jammihal

DOCUMENTS EXIBHITED FOR PETITIONER:

Ex.P.1 : RTC

Ex.P.2 : Study certificate of petitioner No.2

Ex.P.3 : Adhar card copy of Ramappa

Ex.P.4 : Adhar card copy of petitioner No.2

Ex.P.5 : Adhar card copy of petitioner No.1

(R.L.HONOLE)
SR.CIVIL JUDGE & JMFC,
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